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No. 85-912

Supreme Court, U.S.
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In the

SUPREME COURT OF THE UNITED STATES

October Term, 1985

No. 85-912

William E. Brock, Secretary of Labor,
Petitioner,

v.

Southeastern Arizona Governments
Organization, Respondent.

RESPONSE TO PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

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Southeastern Arizona Governments Organization, at the request of the Clerk of this Court, responds to the Secretary of Labor's petition for a writ of certiorari to review the judgment of the United States Court of Appeals for the Ninth Circuit in this case.

STATEMENT

The Court is respectfully referred to the brief of Petitioner William E. Brock, Secretary of Labor, for a statement of the jurisdiction of this Court, the

factual background, and the legal proceedings below.

REASONS FOR DENYING THE PETITION

"Certiorari is granted only 'in cases involving principles the settlement of which is of importance to the public, as distinguished from that of the parties, and in cases where there is a real and embarrassing conflict of opinions and authority between the Circuit Courts of Appeals.'" N.L.R.B. v. Pittsburgh S.S. Co., 340 U.S. 498, 502 (1951)(quoting Layne & Bowler Corp. v. Western Wells Works, 261 U.S. 387, 393 (1923). See also S.Ct. Rule 17.1.

However, a grant of a writ of certiorari in the instant case is unnecessary to settle an important public issue or a conflict among the circuits because the question presented is already before the Court in Brock v. Pierce County, cert. granted, No. 85-385 (Nov.

4, 1985). Moreover, examination of Petitioner's statement reveals that the factual context of the instant case does not differ in any significant regard from the case already before the Court. Hence the grant of a writ will not present the Court with a helpfully variant factual context of the legal issue.

Rather, a grant of a writ of certiorari in the instant case will only provide yet another forum for this resource draining litigation and merely advance the interests of one of the parties. This contention is plainly evidenced by the relief requested in Petitioner's conclusion. However, this Court does not sit merely for the benefit of the particular litigants. See Rice v. Sioux City Memorial Park Cemetary, 349 U.S. 70, 74 (1955). The jurisdiction to bring up cases by certiorari from the Circuit Courts of Appeals was not

conferred upon this Court merely to give the defeated party another hearing. See Magnum Import Co. v. Coty, 262 U.S. 159, 163 (1923).

Finally, Respondent concedes that the rules of this Court presently do not include an "amount-in-controversy" requirement, although Rule 17.1 does require an "important" reason for the Court's granting a writ. Nonetheless, the policies of such a requirement are relevant. The most frequently discussed policy, to reduce the congestion of the federal bench's workload, certainly argues for the denial of a writ. Another, often overlooked policy, to guarantee that the litigants have a sufficient stake in the outcome of the litigation to present an adequate and thorough treatment of the issues for the determination of sound precedents, likewise argues for the denial of a writ,

particularly when Respondent has already indicated to the Court that the amount in controversy, $ 2,461, does not justify the further expenditure of limited public funds and resources on this litigation and presently responds only at the specific request of the Clerk of the Court.

CONCLUSION

The petition for a writ of certiorari should be denied.

Respectfully submitted.

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February 20, 1986